1939
(Courts)

File No. 6739
Sl No. 19, 29

Inspection Notes of the Ex-officio
Magistrates, Court

PRESERVED

App. F. IX-4

Previous References

1939.
(Court)

File No. 6-39.

Serial Nos. 19, 29

Later References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two only

PRESERVED

Part B for February 1940.

SUBJECT.

Inspection notes of the Ex. officio Magistrate's Court

WD 0573—GPB—22,500—12-9-39

1549/P

General and Revenue Secretariat.

Cts File No. 6 of 1939 [App. F. III-2

Serial No. 19

From
The Registrar High Court E. -II E
D2 Dis No 300 /39. 40 Dt 5. 9. 39

2428-

Forwards a Copy of the notes of inspection Dt 30. 6. 1939 of the Court of the Ex. Officio I Class Magistrate Kolar Sub Division made by the District Magistrate Kolar District.

Submitted for perusal

CSR 9/9

BXR 11.9.39

Law Secy

1st Member 6.1.39

BXR 12.9.39

Mem 13/9/39

6/1428/35

BXR 14.9.39

SECY. LAW DEPT. 11 SEP. 1939

Received instructions to put up a circular.

CSR 14/9

NOTE.—Conts. Sheet

Inspection notes of the 4 - Ghats Magistrates' Courts

Cb File No. 6 1549 of 1939 | General and Revenue Secretariat.

Serial No.

A printed Copy of G.O. No R 6273-5 L.R 311-12-2 dt 30.4.1913 is placed below for perusal.

A draft Circular is also laid herewith

As in the chief — in person, a draft circular is put up for consideration

BXR 4.10.39

Law Secy

A draft circular is put up as requested

for Member 7/10

BXR 7.10.39

May be subd to Dewan through chief secy before issue

9/10/39

BXR 10.10 MS 11/10

Dewan through chief Secy

12-10-39

BXR 13.10.39

Revenue No P 2205-15 dt 16.10.39

KAR

OCT 9 1939 No. 3450

SECT. DEPT. 5 OCT. 1939 GOVT OF MYSORE

DEWAN'S OFFICE 12 OCT. 1939 2948

CHIEF SECRETARY 10 OCT. 1939 GOVT. OF MYSORE

1549/P

cs 6-39-19

HIGH COURT OF MYSORE,

Da Dis no 300/39-40 Bangalore, Dated 4th Sept 1939

Law 2 5

From T. Shamiengar, Esq., B.A., B.L.,
~~A SUNDARARAJA RAO Esq., B.A., B.L.,~~
Registrar, High Court of Mysore.

SECY. SECRETARIAT. 7. SEP. 1939 LEGISLATION BRANCH.

To V. Subrahmanya Aiyar, Esq., B.A., B.L.,
~~Chief~~ *Secretary to the Government of His Highness the Maharaja of Mysore.*
Law Department.

SECY. LAW DEPT. 6 SEP 1939 GOVT OF MYSORE

Sir,

I am directed to forward herewith, for the information of Government, a copy of the notes of inspection dated the 29/30th June 1939 of the court of the Ex-officio Sessions Magistrate, Kolar Subn., made by ~~the District Magistrate~~, Kolar, together with a copy of the proceedings of the High Court and to state that necessary steps are being taken in regard to the irregularities noticed.

I have the honour to be,
Sir,
Your most obedient servant,

T. Shamiengar
Registrar.

PROCEEDINGS OF THE HIGH COURT OF MYSORE.

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R e a d :-

Notes of inspection of the Ex-officio First Class Magistrate's Court, Kolar, Sub Division, made by the District Magistrate of Kolar on 29/30th June 1939.

--

Order D2.Dis.No.

Dated, Bangalore, 5th Sept. 1939.

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One case of security for keeping the peace is pending for over a year and has undergone 48 adjournments. Possibly the period for which security was necessary has expired and there is no use in prolonging the case further. Unless such cases are dealt with promptly, the impression created will hardly keep in check unruly elements in a disturbed area.

Sd/- T. Shamiengar,
Registrar.

To

The District Magistrate, Kolar.

" C O P Y "

T Shamiengar
Registrar.

VJC/2

SET OF QUESTIONS FOR THE GUIDANCE OF THE INSPECTING JUDGES.

Inspection of the Court of the Sub Division & Ex-officio First Class Magistrate of Kolar Sub Division by C.Sundara Rao, Esq., B.A., District Magistrate Kolar District.

Date commenced:- 29th June 1939.

Date concluded:-30th June 1939.

1. This Court was last inspected by C. Sundara Rao, Esq., ...,

District Magistrate on 23rd June 1938.

2. The presiding Magistrate with date of his taking charge. Mr. T. Rangamallish, B.Sc., took charge on 13th May 1937 and continues to preside.

3. Number of the number of

Regular Cases:- One.

Miscellaneous cases:- One.

Appeals ..

Pending at the time of last Inspection:- ..

4. What is the number filed since then:-

Regular cases:- Nil

Miscellaneous cases:- 2.

Appeals:- Nil.

5. What is the number of pending cases:-

Regular cases:- Nil.

Miscellaneous cases:- 1.

Appeals:- Nil.

6. What is the number and nature of disposals under the Criminal Procedure Code or other Local or Special Laws:-

Regular Cases No: disposed of - 1.
Acquitted S.245(1) Cr.P.C. - 1.
Miscellaneous cases disposals - 2
Convicted Section 123 Cr.P.C. - 2.

7. Have the disposals been made under the correct section of the Cr.P.C. or other law:-

Yes.

8. What is the average number of days spent in Trial of:-

Regular cases:- 195 days in respect of one case C.C.3/37-38.

Miscellaneous cases:- 60 days in respect of C.M.C.1 & 2/38-39.

or Appeals:- Nil.

Are judgements and orders ~~xxxxxx~~ normally delivered promptly or unreasonably delayed:- Delivered promptly.

10. Are calendars disposed of cases promptly submitted to the District Magistrate. Yes.

11. What is the number of appeals preferred from the conviction and sentence passed by the Court. Nil.

12. In how many were the conviction and sentence

Confirmed:-

Modified:-

Reversed:-

Or retrial ordered:-

N I L.

13. How many of the pending

Regular Cases:- Nil.

Miscellaneous Cases):- 1.

and Appeals:- Nil.

re more than 6 months old.

(give dates of institution of six of the oldest cases of each kind).

Number of cases. Date of institution.

1) C.M.C.6/37-38. 5th January 1938.

(Vide Explanatory Memo Appendix "A" enclosed).

14.	Have adjournments been frequently granted by the Magistrate if so are they granted on sufficient and proper grounds.	Granted on sufficient grounds.
15.	Is the order sheet in the disposed of cases fully and correctly written up?	Yes.
16.	Have pending regular and miscellaneous cases of the previous years been brought on the current year's Register.	Yes.
17.	Have entries been made correctly in the appropriate columns of Registers I and III.	Yes.
18.	Have entries in Register No: II made correctly and are the final orders written in this Register by the Magistrate in his own hand?	
19.	Are entries in Register No: IV (witnesses) made then and there?	

Note:- Compare a few entries with the order sheets and depositions in a few cases and see if the entries made are correct:

20.	Are witnesses being discharged promptly?	Yes.

21.	How many witnesses appeared before the:-	
	(a) Court since the date of last inspection:-	55.
	(b) How many were actually examined and	33.
	(c) What is the amount of expense incurred?	No amount has been spent since the date of last inspection.
22.	Are the entries made in the Judicial diary every day and initialled by the Magistrate? Is the progress made in each case properly entered in the diary?	Yes.
22(a)	Examination Hearing Book Form F.	--
23(a)	Are entries being made in Register No.VII (Fines) as soon as fines are imposed?	Yes.
	(b) What is the total amount of Fines pending recovery on the date of inspection?	Rs.90/- in C.C.2/37-38.
	(c) Are necessary steps taken for the recovery thereof?	Out of Rs.90/- a sum of Rs.78/- has so far been recovered and credited to the Treasury under the head "XIV Courts of Law". Steps have been taken to recover the balance of fine amount from the accused persons by issuing fine levy warrants on them. Fine levy warrants have been issued recently.

24.	Have outstanding fines of previous years been brought on the current year's Register?	Yes.
25.	Are compensation and Court costs awarded promptly recovered and paid?	No instance of the kind during the period covered by the inspection..
26.	Are entries in Register No.VIII (property) being made as soon as properties are produced before the court and are they disposed of promptly according to the orders passed in respect of them?	Yes.
27.	How many items of properties are pending disposal on the date of inspection and have steps been taken for their disposal?	Properties (articles numbers 22 to 25) produced in C.C.9/37-38 are pending disposal since May 1938. Necessary action should be taken to dispose of them early. 2. Properties property produced in C.C. 3/37-38 have been handed over to the Assistant-President, Saidapet, for being delivered to the owner of the shop concerned.
28.	Are unclaimed properties brought on this register according to the Police Manual form and disposed of after the notification in the Gazette?	No instance.
29.	Have all items of previous years pending disposal been brought on the current year's register?	Yes.
30..	Are entries made correctly in Register No.IX (Stamps)?	Yes; checked with reference to C.C.3/37-38.

Note:- Verify a few entries with the records of cases and the result.

31. Are stamps properly punched and defaced. — Yes.

32. Are entries made correctly in Register No.A1 (Cash). — Yes.

(b) Is all the cash produced before the court brought on this Register and has payees' signature been properly taken? Have one anna Receipt stamps been affixed in cases of payments exceeding Rs. 20/-. — No instance.

No instance in which cash was produced before the Court in connection with the cases. The amount drawn under Batta to witnesses and T.A.to Village Officers and disbursements made have been noted in thi Register.

32 A. (a) Has the head ministerial Officer furnished the security required of him? — Not required as one of the Clerks of the Sub Division Office attends to the Court Works.

(b) Is the security furnished proper and is the bond properly drawn up?

(c) Are all the valuable properties produced in or brought to the Court kept in safe custody as required by the rules and also security bonds? — No valuable properties have been produced in Court.

33. Are entries made in register No.X (power) correct and up-to-date? — Yes.

33(a) Is the register of complaints and reports properly maintained? — Yes.

33.B.(a) Is the register of application for copies properly maintained. — Yes.

(b)	How many Copyists are there? If none who prepares copies? Has the necessary sanction been obtained for salaried officials writing copies and receiving remuneration?	One of the Clerks in the Sub Division Office who attends to Court work prepares copies and receives remuneration. Yes.
(c)	How many applications are pending and is the delay properly explained?	Nil.

RECORDS.

24(a)	Have all the records of disposed of cases been divided into parts and properly indexed with title pages as required by the Chief Court Rule of Practice No.86 dated 12-4-13.	Yes.
(b)	Are they being sent to the respective record rooms after the expiry of the period allowed in the said rule of Practice?	Yes.
(c)	Are all the registers required to be maintained in the record room properly and correctly maintained?	
(d)	Are the requisitions of different courts promptly complied with?	Do not relate to this Court.
(e)	Are all the stamps punched for a second time after the records are received in the record room?	

(f) Are the records of different cases kept separate in the record room properly arranged and labled?

(g) Are time barred records destroyed according to Rules?

Do not relate to this Court.

L I B R A R Y.

35. In whose charge is the office library and where is it kept?

There is no separate Library for this Court. The reference books of the Court are kept along with the other library books of the Sub Division Office.

36. Is a register maintained for entering books and publications as they are received and is it written up up-to-date?

37. Is a catalogue of the office library maintained up-to-date?

38. Are all books received into the library correctly labelled and deposited in their appropriate places?

39. Are all the correction slips inserted in their proper places in the Volume of enactments rules etc.

Relate to the Sub Division Office.

Appendix "A".

C.L.C.6/37-38:- relating to proceedings under Section 107 Cr.P.C. instituted on 5th January 1938. 48 adjournments have been granted so far and 13 P.Ws have been examined for prosecution. Some of the adjournments have been granted on account of non-appearance of the accused, non-receipt of Criminal records and exhibits etc., from the High Court through the Second Magistrate, Kolar and 2 or 3 adjournments have been granted at the request of the accused's Counsel in the Preliminary stages. The case is dragging on mainly on account of the absence of the complainant (P.W.1) who has gone to Harwar. Several months ago summons have been issued to him for service and return and the same is not yet returned duly served. The case is reposted for hearing to 29th July 1939. This cases is pending over one year and should be disposed of without further delay.

for District Magistrate,
Kolar District.

KVK.3.

40.	Are any books issued without a receipt or lent to strangers without the permission of the head of the office?	- Do -
41.	Are cases of loss or of damages to any books reported promptly and orders obtained for their replacement?	
41-A.	Are calendars received from Subordinate Courts duly examined by the Presiding Officer?	Yes.
42.	Is the Court being inspected by the presiding officer and a report submitted to his immediate superior officer?	The Court has been inspected by the ~~xxxxxx~~ Presiding Magistrate recently on 29th June 1939. As a report is due to the High Court at the end of January every year in this behalf the Presiding Magistrate's inspection may be conducted in the month of January every year.
43.	Is an inspection minute book maintained as laid down in para 4 of G.O.No.10870-918 MA.43-M-1 dated 18-4-15?	Yes.
44.	Extent to which points noted for rectification action of previous inspections are attended to?	Duly attended to.
44-B.	Is the work under special and local laws (if any) which the Magistrate has to administer properly done?	Yes.
44.C.	Are ~~x~~ files of rules of practice and circular letters etc., properly maintained?	Yes.
45.	Any irregularities or informalities observed in the course of inspection whether connected with the printed question or not, and suggestion, if any, for improving the working of the office.	--

Sd/- G. Sundara Rao,
District Magistrate,
Kolar District.

P.T.O.

No.J.L.C.Per.A.31-Y/38-39.

Office of the District Magistrate,
Kolar District,
Dated, Kolar, the 28th July 1939.

M e m o.

Copy of the above (in duplicate) is forwarded, with compliments, to the Registrar, High Court of Mysore, Bangalore, for favour of information.

Copy of the above is forwarded to the Sub Division Officer, and Ex-officio First Class Magistrate, Kolar Sub ~~Division~~ Division , Kolar, for information and guidance.

For District Magistrate,
Kolar District.

MVK.3.

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

WD 0282—GPB– 22,500—14-3-38

No. P 2705-15 cs 6-39-29
& 16-10-39

Circular

on a perusal of the notes of periodical inspections of the Courts of the Ex-Offico Magistrates in the State by the Districts Magistrates of Districts as also of the proceedings of the High Court thereon, Govt are constrained to observe that there has been considerable and avoidable delay in the disposal of Cases filed before these Officers and the required Amount of attention is not being paid to the Speedy disposal of Cases pending before them.

Some Cases have undergone many adjournments

which in the opinion of Govt are not justifiable in the interests of prompter administration of criminal justice. In one case of security for keeping the peace, it is observed that it is pending for over a year and has undergone 48 adjournmen with the result that the period for ~~security~~ which security was necessary has expired. The average duration of the cases is also ~~heavy~~ high.

The attention of the District Magistrates of Districts is drawn to the instructions issued in G.O. No R 6273-5/L.A. 311-12-2 Dt 30.4.1913 directing that the work of the Asst Commissioners and Amildars and Deputy Amildars both in the

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

the Revenue and judicial departments should be taken into consideration while recommending their cases for promotion or increment.

Govt desire to impress on the attention of the Ex-Officio Magistrates that every effort should be made for the prompt disposal of criminal cases ~~pe~~ filed in their Courts and their work as Ex-Officio Magistrates will be taken into consideration when the question of promotion or grant of increment comes up for decision.

The Dist. Magistrates of Districts should record their observations in their annual confidential reports as to the ~~intelligence~~ work of the Ex-Officio Magistrates working under them.

The Registrar, High Court is requested to arrange to get copies of pro-

WD 0282—GPB—22,500—14-3-38

Of the High Court Containing reflections on the Work of the Ex-Officio Magistrates which are submitted to Govt, are also sent simultaneously to the Revenue Commissioners for his information and ~~necessary action~~.

By Order

Secretary to Govt
Law Dept.
7/10

To
The Registrar High Court
The Revenue Comr
The Dist. Magistrates of Districts

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. P 2705-15
CS-6-39-29

General and Revenue Secretariat,

Dated Bangalore 16 ..... 193 .

NOTIFICATION.

[illegible]

Proceedings of the Government of His Highness the Maharaja of Mysore, Land Revenue, dated 30th April 1913.

READ—

Letter No. 165, dated the 22nd December 1912, from the Revenue Commissioner in Mysore, suggesting that, with a view to enable him to know something about the work of Assistant Commissioners and Amildars as Police Officers and Magistrates when questions of their promotion and transfer come up for consideration, copies of judgments of Magistrates and Sessions Judges may be sent to him when they contain observations upon the capacity and honesty of these officers and that the Inspector-General of Police may be requested to communicate to him any observations which he may have occasion to make when he thinks that the Revenue Department ought to know them.

No. R. 6273-5—L. R. 311-12-2, DATED BANGALORE, 30TH APRIL 1913.

ORDER THEREON.—Government consider it to be desirable that the Magisterial and revenue duties of Assistant Commissioners should be kept distinct and that when questions of promotion of Revenue Assistant Commissioners come up, the Chief Court should be consulted with regard to the former and the Revenue Commissioner with regard to the latter.

2. In the case of Amildars and Deputy Amildars, however, who are heads of Taluk Police, the Inspector-General of Police is requested to bring to the notice of the Revenue Commissioner any facts concerning them which in his opinion indicate the character of their work.

3. The Registrar of the Chief Court is requested to arrange that copies of judgments containing reflections on the work of any Revenue Assistant Commissioner, Amildar or Deputy Amildar, which are submitted to Government, are also sent simultaneously to the Revenue Commissioner for his information.

K. R. SRINIVASIENGAR,
Offg. Secy. to Govt., Gen. & Rev. Depts.

To—The Revenue Commissioner in Mysore.
The Inspector-General of Police in Mysore.
The Registrar, Chief Court.

Exd.—C. R.

1912-13

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

LAND REVENUE

PROCEEDING

Dated 30th April 1913

No. R. 6273-5
L. R. 311-12-

Ordering that the Registrar, Chief Court, and the Inspector-General of Police should arrange to communicate to the Revenue Commissioner any remarks, etc., as to the work of Assistant Commissioners and Amildars as Magistrates and of Amildars as Police Officers.

GPB—9-5-13—350